



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

TJR
Docket No: 2897-00
23 October 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 1 July 1970 at the age of 20. Your record reflects that on 9 April 1971 you were convicted by special court-martial (SPCM) of two periods of unauthorized absence (UA) totalling 133 days. You were sentenced to confinement at hard labor for three months and a \$285 forfeiture of pay. On 15 November 1971 you were convicted by SPCM of a 105 day period of UA. You were sentenced to a \$510 forfeiture of pay, confinement at hard labor for three months, and a bad conduct discharge (BCD). Subsequently, you submitted a written statement requesting the immediate execution of the BCD. The BCD was approved at all levels of review and ordered executed. On 28 March 1972 you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you were given amnesty by President Carter. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your frequent periods of UA from the Marine Corps. There is not indication in the record that amnesty was

every given in your case, and you have provided no such evidence. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director